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APPLICATION NO.	FILING DATE	FIRST NAMED INVENTOR	ATTORNEY DOCKET NO.	CONFIRMATION NO.
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EXAMINER

LIN, KELVIN Y

ART UNIT PAPER NUMBER

2142

DATE MAILED: 07/29/2005

Please find below and/or attached an Office communication concerning this application or proceeding.

Office Action Summary

Application No.

09/990,025

Applicant(s)

PARRY, TRAVIS J.

Examiner

Kelvin Lin

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-- The MAILING DATE of this communication appears on the cover sheet with the correspondence address --

Period for Reply

A SHORTENED STATUTORY PERIOD FOR REPLY IS SET TO EXPIRE 3 MONTH(S) FROM THE MAILING DATE OF THIS COMMUNICATION.

- Extensions of time may be available under the provisions of 37 CFR 1.136(a). In no event, however, may a reply be timely filed after SIX (6) MONTHS from the mailing date of this communication.
- If the period for reply specified above is less than thirty (30) days, a reply within the statutory minimum of thirty (30) days will be considered timely.
- If NO period for reply is specified above, the maximum statutory period will apply and will expire SIX (6) MONTHS from the mailing date of this communication.
- Failure to reply within the set or extended period for reply will, by statute, cause the application to become ABANDONED (35 U.S.C. § 133). Any reply received by the Office later than three months after the mailing date of this communication, even if timely filed, may reduce any earned patent term adjustment. See 37 CFR 1.704(b).

Status

- 1) ☒ Responsive to communication(s) filed on 09 May 2005.
- 2a) ☐ This action is **FINAL**. 2b) ☒ This action is non-final.
- 3) ☐ Since this application is in condition for allowance except for formal matters, prosecution as to the merits is closed in accordance with the practice under *Ex parte Quayle*, 1935 C.D. 11, 453 O.G. 213.

Disposition of Claims

- 4) ☒ Claim(s) 1-20 is/are pending in the application.
- 4a) Of the above claim(s) _____ is/are withdrawn from consideration.
- 5) ☐ Claim(s) _____ is/are allowed.
- 6) ☒ Claim(s) 1-20 is/are rejected.
- 7) ☐ Claim(s) _____ is/are objected to.
- 8) ☐ Claim(s) _____ are subject to restriction and/or election requirement.

Application Papers

- 9) ☐ The specification is objected to by the Examiner.
- 10) ☐ The drawing(s) filed on _____ is/are: a) ☐ accepted or b) ☐ objected to by the Examiner.
Applicant may not request that any objection to the drawing(s) be held in abeyance. See 37 CFR 1.85(a).
Replacement drawing sheet(s) including the correction is required if the drawing(s) is objected to. See 37 CFR 1.121(d).
- 11) ☐ The oath or declaration is objected to by the Examiner. Note the attached Office Action or form PTO-152.

Priority under 35 U.S.C. § 119

- 12) ☐ Acknowledgment is made of a claim for foreign priority under 35 U.S.C. § 119(a)-(d) or (f).
- a) ☐ All b) ☐ Some * c) ☐ None of:
1. ☐ Certified copies of the priority documents have been received.
 2. ☐ Certified copies of the priority documents have been received in Application No. _____.
 3. ☐ Copies of the certified copies of the priority documents have been received in this National Stage application from the International Bureau (PCT Rule 17.2(a)).
- * See the attached detailed Office action for a list of the certified copies not received.

Attachment(s)

- | | |
|--|---|
| 1) <input checked="" type="checkbox"/> Notice of References Cited (PTO-892) | 4) <input type="checkbox"/> Interview Summary (PTO-413)
Paper No(s)/Mail Date. _____ |
| 2) <input type="checkbox"/> Notice of Draftsperson's Patent Drawing Review (PTO-948) | 5) <input type="checkbox"/> Notice of Informal Patent Application (PTO-152) |
| 3) <input type="checkbox"/> Information Disclosure Statement(s) (PTO-1449 or PTO/SB/08)
Paper No(s)/Mail Date _____ | 6) <input type="checkbox"/> Other: _____ |

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Detailed Action

Claim Rejections - 35 USC § 112

The following is a quotation of the second paragraph of 35 U.S.C. 112:

The specification shall conclude with one or more claims particularly pointing out and distinctly claiming the subject matter which the applicant regards as his invention.

1. Regarding claims 8,10,13, and 16 the phrase "similar" renders the claim(s) indefinite because the claim(s) include(s) elements not actually disclosed (those encompassed by "similar"), thereby rendering the scope of the claim(s) unascertainable. See MPEP § 2173.05(d).

Response to Arguments

Application's argue with respect to claims 1-20 have been considered but are moot in view of the new ground(s) of rejection.

Claim Rejections - 35 USC § 102

1. The following is a quotation of the appropriate paragraphs of 35 U.S.C. 102 that form the basis for the rejections under this section made in this Office action:

A person shall be entitled to a patent unless –

(e) the invention was described in (1) an application for patent, published under section 122(b), by another filed in the United States before the invention by the applicant for patent or (2) a patent granted on an application for patent by another filed in the United States before the invention by the applicant for patent, except that an international application filed under the treaty defined in section 351(a) shall have the effects for purposes of this subsection of an application filed in the United States only if the international application designated the United States and was published under Article 21(2) of such treaty in the English language.

2. Claims 1-20 are rejected under 35 USC 102(e) as being anticipated by Johnson C., (US PG Pub No. 2003/0086107).
3. Regarding claim 1, Johnson teaches an imaging device comprising:
 - a network interface adapted for coupling to a network (Johnson, Abstract, [0008], I.6-12); and
 - a processing facility, wherein the processing facility is adapted to request a configuration from a second imaging device through the network interface in response to receiving an external upgrade command and a network location of the second imaging device (Johnson, [0008], I.3-6).
4. Regarding claim 2, Johnson further discloses the imaging device of claim 1, wherein the configuration from the second imaging device is requested from a storage location that is selected from the group consisting of: the second imaging device, a local network site, a remote network site, a website, a server, and a third imaging device (Johnson, [0010], I.1-16,[0023], the control program corresponds to the firmware for image devices).
5. Regarding claim 3, Johnson further discloses the imaging device of claim 1, wherein the external upgrade command is given by a management facility which resides on a platform that is selected from the group consisting of: a workstation, a server, a network device, a management interface on the imaging device, an embedded webserver in an imaging device, and a master imaging device

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(Johnson, [0023]-[0025], in which the local host device corresponds to workstation and further be a network server, and interface among the imaging devices).

6. Regarding claim 4, Johnson further discloses the imaging device of claim wherein the configuration from the second imaging device is selected from a group consisting of at least one of: firmware code, software code, supplemental data, and a configuration parameter (Johnson, [0025], 1.3-4).
7. Regarding claim 5, Johnson further discloses the imaging device of claim 4, wherein the configuration from the second imaging device comprises at least one configuration parameter, where a mask is applied to the at least one configuration parameter to exclude portions thereof from being changed on the imaging device while being upgraded (Johnson, [0030], 1.1-23, in which the additional features or fixes would be available upon receiving a control program corresponds to the configuration parameter being changed on the imaging device).
8. Regarding claims 6-7 have similar limitations as claims 1-5. Therefore, claims 6-7 are rejected for the same reasons set forth in the rejection of claims 1-5.
9. Regarding claim 8, Johnson further discloses a method of updating configuration for imaging devices connected to a network, comprising:
 - defining a list of similar imaging devices connected to the network (Johnson, [0031]-[0032]);
 - defining a network location associated with desired configuration for the list of similar imaging devices (Johnson, [0031], 1.8-10,

identification where it connect to host device corresponds to the list of location); and

- directing each imaging device of the list of similar imaging devices to retrieve the configuration from the network location (Johnson, [0032], I.8-10, direct the request to a specific device corresponds to the configuration retrieval location).

10. Regarding claim 9 has similar limitations as claim 3. Therefore, claim 9 is rejected for the same reasons set forth in the rejection of claim 3.

11. Regarding claim 10, Johnson further discloses the method of claim 9 further comprising:

- retrieving the configuration of an imaging device similar to the list of imaging devices with the management facility (Johnson, [0008], [0036], I.5-10, wait for receiving a control program corresponds to the retrieve the configuration); and
- placing the configuration at the network location (Johnson, [0023], I.1-12, control program communicates from a network or local host device corresponds to the network location).

12. Regarding claim 11 has similar limitations as claim 4. Therefore, claim 11 is rejected for the same reasons set forth in the rejection of claim 4.

13. Regarding claim 12 has similar limitations as claim 5. Therefore, claim 12 is rejected for the same reasons set forth in the rejection of claim 5.

14. Regarding claim 13 has similar limitations as claim 9. Therefore, claim 13

- is rejected for the same reasons set forth in the rejection of claim 9.
15. Regarding claim 14, Johnson further discloses the method of claim 10, further comprising: periodically checking for changes in configuration, and if a change is noted, initiating a follow-up update (Johnson, [0008], [022], I.1-11, in which with the a firmware upgrade corresponds to the consequence of the changes).
 16. Regarding claim 15 has similar limitations as claim 10. Therefore, claim 15 is rejected for the same reasons set forth in the rejection of claim 10.
 17. Regarding claim 16, Johnson further discloses the method of claim 15, wherein the desired configuration is that of a similar imaging device (Johnson, [0008]).
 18. Regarding claim 17 has similar limitations as claim 9. Therefore, claim 17 is rejected for the same reasons set forth in the rejection of claim 9.
 19. Regarding claim 18 has similar limitations as claim 10. Therefore, claim 18 is rejected for the same reasons set forth in the rejection of claim 10.
 20. Regarding claim 19 has similar limitations as claim 9. Therefore, claim 19
 21. Regarding claim 20, Johnson further discloses the method of claim 15, wherein the imaging device selects an appropriate version of the desired configuration from the network location to match its type (Johnson, [0021], I.7-11, different or additional features corresponds to the desire configuration).

Conclusion

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Any inquiry concerning this communication or earlier communications from the examiner should be directed to Kelvin Lin whose telephone number is 571-272-3898.

The examiner can normally be reached on Flexible 4/9/5.

If attempts to reach the examiner by telephone are unsuccessful, the examiner's supervisor, Andrew Caldwell can be reached on 571-272-3868. The fax phone number for the organization where this application or proceeding is assigned is 571-273-8300.

Information regarding the status of an application may be obtained from the Patent Application Information Retrieval (PAIR) system. Status information for published applications may be obtained from either Private PAIR or Public PAIR. Status information for unpublished applications is available through Private PAIR only. For more information about the PAIR system, see <http://pair-direct.uspto.gov>. Should you have questions on access to the Private PAIR system, contact the Electronic Business Center (EBC) at 866-217-9197 (toll-free).

07/25/05
KYL


KAMINI SHAH
PRIMARY EXAMINER